

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MANUEL C. SEDILLOS

Plaintiff,

v.

No. 1:10-cv-01063-WJ/WDS

UNITED COLLECTION BUREAU, INC.

Defendant.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff moves for partial summary judgment under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and the New Mexico Unfair Practices Act, NMSA 1978 §§ 57-12-1 *et seq.* ("UPA"). The uncontroverted facts demonstrate that United Collection Bureau, Inc. ("UCB"), a professional debt collector, misrepresented itself as CitiBank, disclosed the debt to Plaintiff's father, and asked the father to deliver a message to his son, the Plaintiff. UCB breached the FDCPA's specific rules to protect consumers from the embarrassing and intrusive invasions of privacy that naturally result from such prohibited third party contacts.

There is no genuine issue as to any material fact. Plaintiff is entitled to judgment as a matter of law. Plaintiff is filing a brief in support of this motion concurrently.

Respectfully submitted,

/s/ Charles Parnall

Charles Parnall

Richard N. Feferfman

Feferman & Warren, Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2011, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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